

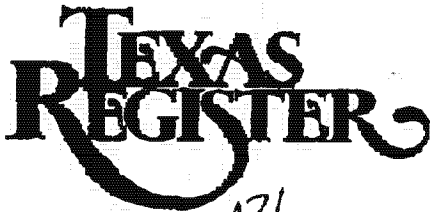
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TEXAS REGISTER
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201105184

For issue of: 12/9 PI Working ACK

Adopted Rulemaking Action

Name of Agency: Texas Department of Public Safety

Agency Code: 0201

Title: 37 Part: 1

Chapter: 15. Driver License Rules

Subchapter: L. Election Identification Certificate

Division:

TAC Section Number(s): <*>15.181 - 15.185

Proposed Action TRD Number: 201104118 Proposed Action Issue Date: October 14, 2011

☒ New ☐ Amendment ☐ Repeal ☐ Adoption by Reference☒ With Changes ☐ Without Changes ☐ Federal MandateEffective Date: ☒ 20 Days after Filing ☐ Other (Specify):

File Name: 1118c.201

Means of transmitting: ☐ Diskette ☐ Internet ☒ E-MailGraphics Included? ☐ Yes ☒ No

Graphics File Name:

Means of transmitting: ☐ Diskette ☐ Internet ☐ E-Mail

Verification/Certification

I verify that I have reviewed the submitted document and that it conforms to all applicable Texas Register filing requirements. The submitted document has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Agency Liaison: Duncan R. Fox or Susan Estringel

Certifying Official: D. Phillip Adkins

Title: General Counsel

Signature:

Date of Verification: November 18, 2011

E-Mail Address: susan.estringel@dps.texas.gov

Phone Number: (512) 424-5846 (Susan) Fax Number: (512) 424-2251

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OF
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For issue of: PI Working ACK

Adopted Rulemaking Action

Name of Agency: Texas Department of Public Safety

Agency Code: 0201

Title: 37 Part: 1

Chapter: 15. Driver License Rules

Subchapter: L. Election Identification Certificate

Division:

TAC Section Number(s): <*>15.181 – 15.185

Proposed Action TRD Number: 201104118 Proposed Action Issue Date: October 14, 2011

☒ New ☐ Amendment ☐ Repeal ☐ Adoption by Reference

☒ With Changes ☐ Without Changes ☐ Federal Mandate

Effective Date: ☒ 20 Days after Filing ☐ Other (Specify):

File Name: 1118c.201

Means of transmitting: ☐ Diskette ☐ Internet ☒ E-Mail

Graphics Included? ☐ Yes ☒ No

Graphics File Name:

Means of transmitting: ☐ Diskette ☐ Internet ☐ E-Mail

Verification/Certification

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Agency Liaison: Duncan R. Fox or Susan Estringel

Certifying Official: D. Phillip Adkins

Title: General Counsel

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<p>The Texas Department of Public Safety (the department) adopts new <*>15.181 – 15.185, concerning Election Identification Certificate. These new sections are adopted with changes to the proposed text as published in the October 14, 2011 issue of the <eti>Texas Register<et> (36 TexReg 6873) and will be republished.

<p>The 82nd Texas Legislature enacted Transportation Code, Chapter 521A, which requires the department to issue election identification certificates. These rules are necessary to inform the public of what will be required of applicants for issuance of an election identification certificate and allow the public to have a role in establishing the process.

<p>The department accepted comment on the proposed rules through November 14, 2011. Written comments were submitted by Senator Leticia Van de Putte, R. Ph. and Karen Nicholson representing League of Women Voters of Texas (LWV). Changes were made to proposed new <*>15.182 based on the comments received by the department. Substantive comments received, as well as the department's responses, thereto, are summarized below:

<p>COMMENT: Regarding <*>15.181(d)(1), (2), (4) and (5), LWV recommended amending the requirement that an applicant who holds a driver license, election identification certificate, personal identification certificate, U.S. passport, or concealed handgun license that expired no earlier than 60 days before the date of application, by adding 30 days to allow additional processing time for processing for an expired document. The comments further state that the rules need to clarify the time it will take to process an election identification certificate and whether a receipt issued at application will be accepted at the polls.

<p>RESPONSE: The department disagrees with these recommendations. The Secretary of State determines what documents will be accepted at the polls and has informed the department that the receipt issued upon application will be accepted in the same manner as a driver license, election identification certificate, or personal identification certificate as long as the photo is included. Additionally, since the receipt will be accepted and local elections do not always fall on uniform election dates; the department determined wording should mirror that in the statute.

<p>COMMENT: Regarding <*>15.182(2), LWV recommended allowing all photo IDs qualified under SB14 and all primary identification accepted for a driver license or personal identification certificate as primary identification for an election identification certificate. LWV asserted that only allowing a driver license or personal identification certificate that has expired for at least 60 days and no more than two years is unnecessarily limiting.

<p>RESPONSE: The department disagrees with this recommendation. The other documents allowed for primary identification are also acceptable for voting purposes or are accepted only for persons who are not U.S. citizens. Persons who hold acceptable documents for voting and non-citizens are not eligible for an election identification certificate.

<p>COMMENT: Regarding <*>15.182(3), LWV recommended allowing more types of secondary identification than U.S. birth certificates, certificates of birth abroad, or specific court orders, stating that persons who cannot afford to secure certified documents or for whom no birth certificate is available may not be able to provide documents to meet the requirements. LWV

also noted that old citizenship documents might not contain photographs so some naturalized citizens may not have acceptable voting documents and the rule does not accommodate them.

<p>RESPONSE: The department disagrees with part of this recommendation. Expanding the list of acceptable secondary documents to include those that are not issued by a verifiable governmental source opens the process up to a greater fraud potential. The department agrees with the recommendation to include citizenship documents without photographs. To accommodate naturalized citizens with older documents, the department changed the wording in <*>15.182(2) to add citizenship certificates or certificates of naturalization without photographs.

<p>COMMENT: Regarding <*>15.182(4), Senator Van de Putte recommended including the VA card on the supporting documents list. LWV recommended that the list of supporting documents should be as broad as that for securing a driver license or personal identification certificate. LWV also stated that the rules should include all acceptable documents and not include the statement that the list is not all-inclusive.

<p>RESPONSE: The department agrees with this recommendation. Fifteen additional documents accepted for driver license and identification cards were added to <*>15.82(4)(M)-(BB) the list including the Veteran's Administration (VA) card. The statement that this list is not all inclusive was deleted from <*>15.182(4).

<p>COMMENT: Regarding <*>15.183(a)(1)(A), LWV recommended making the wording of this section gender-neutral and allowing the name to be the same as the name used for voter registration.

<p>RESPONSE: The department disagrees with these recommendations. The reference to married women is specific while the statement that the section applies to both sexes refers to the use of previously documented names. This section of the rule is the same as that used for issuance of a driver license or personal identification certificate as allowed under the law. Election workers have the ability and guidance from the Secretary of State to determine if the name on the voter list and the presented identification are similar.

<p>COMMENT: Regarding the location of driver license offices, Senator Van de Putte, raises concerns that citizens will have to travel outside of their home counties to obtain an election identification certificate. She also recommends that all communications regarding the election identification certificate issuance be in English, Spanish, and any other language necessary to reach minority voters.

<p>RESPONSE: The department does not take a position on these comments as they go beyond the scope of rulemaking.

<p>Additionally, the department changed the text of <*>15.182(4)(D) from "vehicle title" to "Texas vehicle or boat title or registration" for the purposes of clarity.

<p>These sections are adopted pursuant to Texas Government Code, <*>411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the

department's work; and Texas Transportation Code, Chapter 521A, which authorizes the department to issue no-cost election identification certificate to eligible applicants.

<*>15.181. Eligibility for Election Identification Certificate.

(a) An applicant must be at least 17 years and 10 months of age in order to apply for an election identification certificate.

(b) An applicant must affirm that the person is obtaining the certificate for the purpose of satisfying Election Code, <*>63.001(b) and does not have another form of identification described by Election Code, <*>63.0101.

(c) An applicant must:

(1) Be a registered voter in this state and present a voter registration card issued to the individual; or

(2) Be eligible for voter registration under Election Code, <*>13.001 and submit an application for voter registration.

(d) An applicant who has been issued any of the following documents is not eligible to receive an election identification certificate:

(1) A driver license, election identification certificate, or personal identification certificate issued by the department that has not expired or that expired no earlier than 60 days before the date of application;

(2) A United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of application;

(3) A United States citizenship certificate issued to the person that contains the person's photograph;

(4) A United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of application; or

(5) A license to carry a concealed handgun issued to the person by the department that has not expired or that expired no earlier than 60 days before the date of application.

<*>15.182. Identification of Applicants.

An applicant for an election identification certificate must provide documents satisfactory to the department. All documents must be verifiable.

(1) An original applicant for an election identification certificate must present:

(A) One piece of primary identification;

(B) Two pieces of secondary identification; or

(C) One piece of secondary identification plus two pieces of supporting identification.

(2) Primary Identification. A Texas driver license or personal identification card issued to the person that has been expired for 60 days and is within two years of expiration date may be presented as primary identification.

(3) Secondary identification. These items are recorded governmental documents (United States, one of the 50 states, a United States territory, or District of Columbia):

(A) Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency;

(B) Original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad); or

(C) Original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender.

(D) U.S. citizenship or naturalization papers without identifiable photo

(4) Supporting identification. The following items consist of other records or documents that aid examining personnel in establishing the identity of the applicant:

(A) voter registration card;

(B) school records;

(C) insurance policy (at least two years old);

(D) Texas vehicle or boat title or registration;

(E) military records;

(F) unexpired military dependant identification card;

(G) original or certified copy of marriage license or divorce decree;

(H) Social Security card;

(I) pilot's license;

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(J) unexpired photo DL or photo ID issued by another (United States) state, U.S. territory, the District of Columbia;

(K) expired photo DL or photo ID issued by another (United States) state, U.S. territory, or the District of Columbia that is within two years of the expiration date;

(L) an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice;

(M) forms W-2 or 1099;

(N) Numident record from the Social Security Administration;

(O) expired Texas driver license or personal identification certificate (expired more than two years);

(P) professional license issued by Texas state agency;

(Q) identification card issued by government agency;

(R) parole or mandatory release certificate issued by the Texas Department of Criminal Justice;

(S) federal inmate identification card;

(T) federal parole or release certificate;

(U) Medicare or Medicaid card;

(V) Selective Service card;

(W) immunization records ;

(X) tribal membership card from federally recognized tribe;

(Y) Certificate of Degree of Indian Blood;

(Z) Veteran's Administration card;

(AA) hospital issued birth record; or

(BB) any document that may be added to <*>15.24 of this title (relating to Identification of Applicants) other than those issued to persons who are not citizens of the U.S.

<*>15.183. Application Requirements.

(a) An application for an election identification certificate must include:

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(1) the applicant's full name:

(A) A married woman may use her maiden name or she may adopt the surname of her husband or the surname of a previous husband. No name will be used that has not been documented. Middle names will not be substituted for first names. Three full names will be used, unless the applicant does not have three names, including the maiden name. This section applies to both sexes.

(i) When change of name occurs because of marriage, divorce, annulment, or death of spouse, the certificate holder may choose to keep her current married name, revert to her maiden name, or adopt a previous husband's surname. Name changes for reasons other than those set out above require a court order verifying such change.

(ii) Certificate holders who request a name change may apply for a duplicate and exercise the same privilege in name selection as an original applicant.

(B) Foreign language names will be spelled out as they appear on the identification documents presented. English versions of names will not be substituted for the actual name.

(C) Ecclesiastical names such as Brother Thomas, Sister Mary, or Father Kelly are not used.

(2) the applicant's place and date of birth;

(3) the fingerprints of the applicant; this does not apply to an applicant who is permitted and utilizes an alternative method for renewing or duplicating an election identification certificate;

(4) a photograph of the applicant;

(5) the signature of the applicant; the applicant's usual signature, in ink, is required on all applications for an election identification certificate:

(A) The primary purpose of the signature is to identify the applicant and verify the information given on the application.

(B) If an applicant cannot write his name, he may make his "mark." This is usually a cross in the place of his signature followed by the applicant's printed name. The Driver License field employee shall sign under the applicant's "mark" showing who printed the applicant's name.

(6) a brief description of the applicant;

(7) the sex of the applicant;

(8) the residence address of the applicant;

(9) whether the applicant is a citizen of the United States; and

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(10) the county of residence of the applicant.

(b) Social Security number. Applicants for an election identification certificate will be asked to provide verification of Social Security number documentation. If the applicant fails or refuses to provide that social security information, the election identification certificate will be issued without such documentation unless state or federal statute requires otherwise. Acceptable documents to provide verification of Social Security number are listed in <*>15.42 of this title (relating to Social Security Number).

(c) Notarizations. The applicant must verify original election identification certificate applications before a person authorized to administer oaths. The following officials may administer such oaths or affirmations:

(1) within the State of Texas:

(A) a judge, clerk, or commissioner of any court of record;

(B) a notary public;

(C) a justice of the peace;

(D) authorized employees of the Department of Public Safety;

(2) general:

(A) in the absence of evidence to the contrary, it is presumed that all notarizations are legally made;

(B) the omission of the seal by officers normally required to use same for notarization invalidates the oath;

(C) notarized election identification certificate applications must be dated not more than six months prior to date of application.

<*>15.184. Expiration, Renewal, and Replacement of Election Identification Certificate.

(a) Expiration.

(1) An Election Identification Certificate expires on the first birthday of the cardholder occurring after the sixth anniversary of the date of the application.

(2) An Election Identification Certificate issued to a person 70 years of age or older does not expire.

(b) Renewal.

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(1) An applicant for renewal of an election identification certificate must present evidence of eligibility, under <*>15.181 of this title (relating to Eligibility for Election Identification Certificate) plus one other piece of personal identification if the election identification certificate is not presented, if necessary to identify the applicant, prior to renewal.

(2) An election identification certificate may be renewed 12 months before expiration date. Earlier renewals will be accepted for good cause.

(3) The department may provide certificate holders with alternate methods of renewing or duplicating an election identification certificate.

(c) Applications for Replacements and Corrections. An application for replacement will be accepted in any of the following cases:

(1) when an election identification certificate has been lost, destroyed, marred, or mutilated;

(2) when there has been a change of name and/or gender.

<*>15.185. Cancellation and Surrender.

The department may cancel and require surrender of an election identification certificate upon confirmation that the certificate was issued to a person not entitled thereto.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 18, 2011.

D. Phillip Adkins
General Counsel
Texas Department of Public Safety

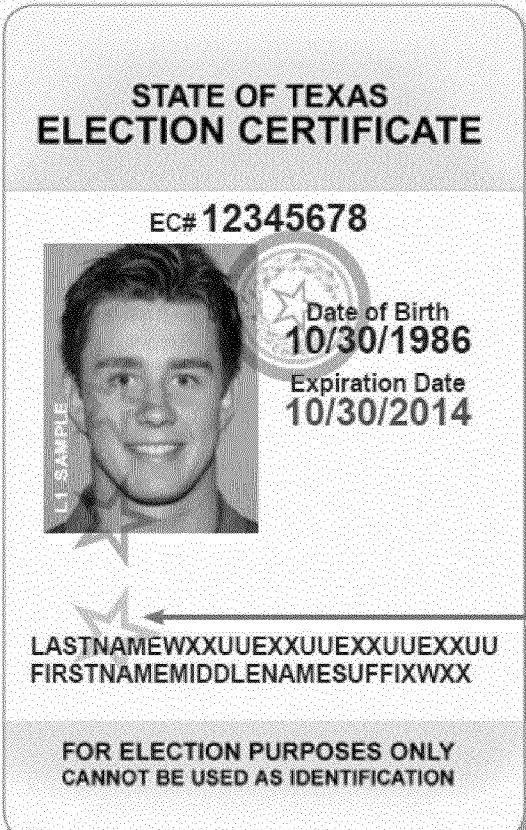
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Election Code Resolved Prosecutions by the Office of the Attorney General**Resolved Prosecutions****Number of cases** **45**

Criminal Investigation Division case hours 10,649

Criminal Prosecution Division case hours 6,303**Combined CID / CPD hours** **16,952**

Criminal Investigation Division cost \$ 792,217.00

Criminal Prosecution Division cost \$ 483,258.00**Combined CID / CPD cost** **\$ 1,275,475.00**

Statistics on this sheet relate to Election Code-related prosecutions during the Abbott Administration as of January 21, 2010.

Cost is comprised of total direct expense which includes salary and overhead cost for the actual hours expended. In addition, cost includes total direct expenses such as travel, court cost, or other case fees.

From: Molly Lair
To: Mitchell, Forrest
Date: 4/23/2007 11:23 AM
Subject: Re: Voter fraud info

One final question regarding voting by non-citizens. You mentioned that we had two cases, 1 closed and 1 pending. I know we don't want to give out info about a pending case, but is it OK to tell where the closed case was? If so, which county was it?

>>> Forrest Mitchell 4/23/2007 11:02 AM >>>
Voter impersonation is included in the offense of Illegal Voting under 64.012 of the Election Code, but none of our cases have fit into that category. Our cases of illegal voting are generally voting twice in the same election, voting when ineligible to vote, and marking a voter's ballot without their consent.

>>> Molly Lair 4/23/2007 10:49 AM >>>

OK, thanks. Just to confirm - do we not have any cases because there is not an specific offense for "voter impersonation"? Could they fall under another category?

>>> Forrest Mitchell 4/23/2007 10:40 AM >>>
We have not investigated any cases where the someone actually impersonated a voter. We did investigate a case in 2006 in Nueces County where the defendant went to the polls to "assist" the voter, and then voted the ballot without the consent fo the voter. Voter identification would not have prevent this offense.

>>> Molly Lair 4/23/2007 8:19 AM >>>

Lt. Mitchell -

Regarding our conversation on Friday, can you tell me how many cases of "voter impersonation" we have received? I think we decided that these would be in-person illegal voting. I received another call on this issue this morning from (in addition to the call from). The voter id bill is up on the House floor today, so a quick turnaround would be appreciated.

Please let me know if you have any questions.

Thanks,
Molly

Molly Lair
Legislative Liaison
Office of the Attorney General
(512) 936-7939 - direct
(512) 475-4421 - fax



Texas Politics

Complete coverage from the E-N's Austin bureau.

Thousands face 137-mile trip for Voter ID in one Senate district

Posted on 01/28/2011 by Gary Scharrer

Sen. **Carlos Uresti**, D-San Antonio, plans to offer weekly reflections of the week. Here is his third update of life in the Texas Legislature:

"Voter ID will diminish democracy"

By Sen. Carlos Uresti

Across the vast reaches of West Texas, there aren't many places that are 'just up the road.' For many people in Senate District 19, a trip to the doctor or the Walmart or the grocery store requires some planning, a lot of drive time and a tank of gas.

That's just one of the reasons why the Voter ID bill so hastily adopted by the Senate in the session's third week is bad for Texas and the ideals of democracy. Along with rural voters, minorities, students and the elderly will be disenfranchised by this attempt to suppress turnout in state and local elections.

Voter ID would not have gotten to the Senate floor so early in the session — indeed, it wouldn't have been brought up at all — without an emergency declaration by the governor and special treatment by the Senate's rules.

Why was Voter ID worth abandoning one of the Senate's most important bipartisan traditions? Why was it put at the head of the legislative line, in front of public schools, colleges and universities, abused and neglected children, seniors, veterans, the disabled, doctors, hospitals and nursing homes? What problem does its address? What solution does it offer?

Its advocates thoroughly failed to answer those questions during the Senate debate. And the bill's sponsor could not answer my questions about the hardships that many people in District 19 will face in trying to comply with a photo ID requirement.

Consider this. About 47,500 people in the district don't have a DPS office in their county, and

another 70,000 have access to only partial or sporadic service, such as the first Tuesday of each month from 9 a.m. to 4 p.m.

Some 36,000 people in the district must travel an average 137-mile round trip to the nearest full-service DPS office. For the 8,500 people who live in Ozona, Sanderson, and Sierra Blanca, the average travel time to the nearest DPS office is more than 3 hours.

If you're retired, disabled, or don't have access to transportation, who's going to help you make that round trip from Fort Hancock or Dell City to El Paso?

For many across the district, obtaining a photo ID will create a hardship so challenging, they'll just give up. They will relinquish one of their most fundamental rights, the right to vote, and the advocates of this bill will have accomplished their real purpose.

And that purpose is clear. The proponents of Voter ID did not offer any compelling evidence that voter impersonation is a problem in Texas. The facts undermine any argument that it will enhance ballot security.

The advocates of Voter ID will hail its passage as a victory for the electoral process, but that declaration will hide a menacing truth. It's really nothing more than a cynical attempt to win elections through statute, bypassing the polling booth and the will of all the people.

This bill won't save a teacher's job or put food on anyone's table. It won't provide a college loan or help an elderly Texan stay in their nursing home. It won't keep a child from being abused or going to bed hungry at night.

It won't do much of anything, really, except diminish our democracy.

<http://blog.mysanantonio.com/texas-politics/2011/01/thousands-face-137-mile-trip-for-voter-id-in-one-senate-district/>

Eyes Only

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PRESS RELEASE***From the Office of State Senator Dan Patrick*****For Immediate Release****May 15, 2007****Contact:** Court Koenning

(512) 463-0107 / (713) 876-4444

SENATE'S 2/3rds RULE STOPS VOTER ID BILL*Rule requiring a supermajority to debate, stalls measure supported by a supermajority of Texans*

AUSTIN, TX -- During this morning's session, the Texas Senate considered House Bill 218 which would require a voter to present "proof of identification when offering to vote." When the Senate's vote to "suspend the regular order of business" was finally tabulated, the motion failed on a 20 to 11 vote (one vote shy of the required 2/3rds).

Senator Dan Patrick (R-Houston), long an opponent of the 2/3rds rule, offered the following statement:

"It has been said the 2/3rds rule ensures compromise among members in the Texas Senate. Any person witnessing today's proceedings would beg to differ.

"When those opposed to voter ID did not have enough members on the floor to block consideration, a vote was called for, points of order were offered and sustained, votes were taken and reconsidered and members who were absent suddenly appeared. After a reconsideration of the vote, the 2/3rds threshold was not achieved.

"I am not aware of any other deliberative body that requires a super-duper majority to debate legislation.

"I believe the Texas Senate should allow the public to witness debates on the floor, votes being taken and the majority prevailing. Far too often, we witness legislation die for lack of a 2/3rds vote even though the legislation is supported by a majority of Texans and a majority of Texas Senators. Why is the 2/3rds rule ignored for congressional redistricting, but enforced to block legislation to secure elections in those districts?

"Whomever is in the majority, Republicans or Democrats, the will of their voters need to be served. Sooner or later, the will of the majority will be respected in the Texas Senate. Hopefully, we will be in the majority then."

According to a April 1-4, 2007 survey of 1,001 registered voters in Texas, by Baselice and Associates, a vast majority of voters favor a voter identification requirement. The survey found 91% "favor requiring registered voters to show a drivers license or other photo identification to ensure that they are U.S. citizens before they are allowed to vote."

Editor's note: Readers are encouraged to view this morning's session by clicking [here](#) and then May 15ths "Senate Session - Part 2". HB 218 is one of the first measures to be considered.

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The Cure for Record Turnout

by Ross Ramsey | March 31, 2008

Early voting in the April runoff elections runs Monday through Friday of next week (that's March 31-April 4). The pickings are slim, and you're loopy if you think turnout will look like it did in the first week of March.

- The only statewide race on the runoff ballot is on the Democratic side, where **Dale Henry** and **Mark Thompson** are vying for the nomination for the Texas Railroad Commission. The winner will face Republican **Michael Williams** in November.
- Two runoffs — one in each party — are on the congressional section of the ballot. Former U.S. Rep. **Shelley Sekula Gibbs** of Houston and **Pete Olson** of Sugar Land each want to challenge Democrat **Nick Lampson** of Stafford in CD-22. And Democrats **Stephen Love** and **Eric Roberson** of Dallas are vying for a shot at U.S. Rep. **Pete Sessions**, R-Dallas, in CD-32.
- No state Senate races have runoffs. The House has five — all on the Republican side.
- In HD-52, where Rep. **Mike Krusee** decided not to run, **Bryan Daniel** and **Dee Hobbs** will face off, with the winner running against Democrat **Diana Maldonado** in November.

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- In HD-55, **Ralph Sheffield** and **Martha Tyroch** are angling for the spot now held by Rep. **Dianne White Delisi**; the Democrat waiting in the wings there is **Sam Murphey** of Harker Heights.
- In HD-81, Rep. **Buddy West** of Odessa is battling to keep his seat after finishing second in the first round to former District Judge **Tryon Lewis**. There's no Democrat in that contest.
- Either **Angie Chen Button** or **Randy Dunning**, both of Garland, will face Democrat **Sandra Phuong VuLe** in November. They're in a runoff for the HD-112 seat now held by Rep. **Fred Hill**, R-Richardson.
- And in HD-144, where Rep. **Robert Talton** decided not to seek reelection, **Ken Legler** and **Fred Roberts** of Pasadena have another round. The winner there will face Democrat **Joel Redmond** in November.

RRC

It's apples and oranges in the Railroad Commission runoff.

Henry, 76, is a retired oil and gas engineer from Lampasas. He's done a lot of work with the Lower Colorado River Authority and alternative fuels. He's run in this race before, against Commissioners **Victor Carrillo** and **Elizabeth Ames Jones**, and he's run as a candidate from both major parties. He says he has no predictions about the runoff results.

"I wouldn't even want to try."

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Henry has never met nor talked to Thompson, a 48-year-old former Austin police officer who's now an advocate for people with disabilities and a therapist for blind children.

While Henry is campaigning on his experience in the oil and gas industry, Thompson is doing just the opposite. "People like me because I work with blind children... I'm not in the oil and gas industry," he says.

If he wins, Thompson wants to change the name of the agency because it has nothing to do with railroads. He also wants to get the commission to stop taking PAC money. On his site, he asks Gov. **Rick Perry** and all three Railroad Commissioners — Carrillo, Jones, and **Michael Williams**, the Republican in this year's race, to resign and return all of their campaign money collected from energy corporations.

"It's like a bad movie from the 50s when you come in and everybody's corrupt," Thompson says. "I'm not saying the whole commission's corrupt, but there are segments that need to be changed."

Thompson says his lack of experience has given Henry some ammunition. "He recently attacked me... because I didn't do a lot of voting," Thompson says. "I voted in the last city council election in Austin and I've voted off and on, but there were always the same characters running. When it comes down to it, there's no change."

Apparently, Thompson didn't vote once between 1996 and this year's primary.

So what's he doing in a Railroad Commission race? He says his first real brush with politics was advocating for a blind friend at some Cap Metro meetings (Austin's mass transit agency) — apparently, some officials were pretty rude and Thompson got frustrated. Then he started researching gas explosions in Cleburne and Wiley.

"I asked the Railroad Commission about it and they just blew me off," Thompson says.

That's when he started considering a run for the office. "I heard politics were so slimy and bad," he says. "But finally I said, I'm going to do it."

CD-22

They're getting a little testy in CD-22.

Olson's endorsements are piling up. The Olson for Congress Committee got some new members — Congressmen **Sam Johnson** and **John Culberson**, U.S. Sen. **John Cornyn**, State Reps. **Mike O'Day** and **Dennis Bonnen**, plus a military trio of former CD-22 candidates: **Kevyn Bazy**, **Brian Klock**, and **Ryan Rowley**. He's also got a list of city council folks and precinct chairs behind him. And he's got PACs and party groups, including the Eagle Forum, Concerned Women for America and the Republican National Coalition for Life and the United Republicans of Harris County.

"They're coming out of the woodworks," says **Luke Marchant**, Olson's campaign manager.

None of this scares Sekula Gibbs, according to campaign strategist **C.B. Currier**.

"Washington is in Washington," Currier says. "That would worry her if she lived in Virginia, like Pete. Unlike her opponent, who has a tremendous amount of connections in D.C., she's connected in the [House] district."

Sekula Gibbs got the most votes on March 4th. She's got endorsements from primary opponents **Dean Hrbacek** and **Cynthia Dunbar**. Currier says she's sticking to a clean campaign.

"Pete's always tried to paint her into a nasty corner, and that's an unfortunate thing for the general constituency of the district," Currier says. "Shelley's sticking with facts and reality."

Olson says he's sticking to the facts, too. His campaign just sent out a document on Sekula Gibbs' office spending during her short tenure in Washington in 2006, saying it raises questions about her claim to be a fiscal conservative.

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Currier says the campaign is working on an official statement about the claims, but that Sekula Gibbs' spending was more cost-effective than the majority of Congressmen and that she returned \$20,000 to the federal government before leaving Washington.

"Every statement just shows his desperation and out and out hypocrisy," Currier says.

CD-32

Roberson and Love are fighting for air.

Love, 74, has financed his campaign out of pocket. The retired clergyman and therapist says he inherited a little cash from his parents and has run a "modest campaign" – no yard signs or bumper stickers. He says this race isn't generating much heat.

"With these bit fights between Obama and Clinton, nobody's going to listen to anything else," he says. "They're sucking up all the oxygen."

That said, he's zeroed in on two facts about Roberson — that he lives outside the district and switched parties in 2006.

"I live outside the district by 2.1 miles," admits Roberson, a trial lawyer. "I was honest with folks about that." He says he didn't move so his kids could stay in the same school.

As for the jump to the blue side, Roberson says after the 2006 election, he was fed up: "I couldn't take it anymore... I was displeased that the Republican Party was getting away with not being challenged."

The residency thing will prevent him and his wife from voting in the runoff, but Roberson says he's found plenty of support among Republicans who are cutting their ties to the party. He says friends and neighbors who never talked politics with him before are suddenly telling him all about their own skepticism of the GOP. He's also picked up endorsements from the *Dallas Morning News* and the *Burnt Orange Report*, plus Rep. **Allen Vaught**, D-Dallas, and some local government folks.

If he doesn't come out on top April 8, Love's not too worried. He had fun: "Anyone who feels like they're just brown shoes in a sea of tuxedos should run for political office."

HD-52

The candidates in HD-52 hadn't strayed far from their positions as friendly foes.

"I think it's certainly competitive," says Daniel, who's got endorsements from a list of conservative PACs, like Texas Right to Life and Texans for Fiscal Responsibility. "Voters are beginning to draw distinctions on the issues, but there's no personal attacks and I think it'll continue in that vein."

Daniel says he knows the media is sick of hearing them say the campaign is issue-based.

The district just doesn't like dirty campaigning, says Hobbs, who picked up endorsements from the other two primary candidates, **Vivian Sullivan** and **John Gordon**.

The big challenge is getting voters back to the polls. Hobbs says he hears plenty of "Don't worry, son, I already voted for you!" He also says he and his opponent joked about making a commercial with the two of them dressed in sumo suits.

"Anything to remind people to vote again," he says.

But to dampen their clean campaigning, Daniel just sent out a mail piece with a quote from the Texas State Rifle Association that Hobbs is "hostile to 2nd Amendment issues." Hobbs says he and his opponent both got "A" ratings from TSRA, and that Daniel just has more money to send out mail.

HD-55

Sheffield is smacking Tyroch for involvement in the Trans-Texas Corridor. She's smacking him for a history of delinquent taxes.

John Alaniz and **Mike Pearce**, the other two from the primary, are both endorsing Sheffield. So is the Empower Texans PAC, which made a parody of one of Tyroch's campaign videos and

stuck it on YouTube. Tyroch requested they pull it. (You can see the original add and link to the parody [here](#).)

Sheffield caught a bit of luck on TV. *Fox News 44* did a story on how the Internet shapes campaigns — the anchor and reporter both refer to him as a state representative instead of just a candidate. You can see the report [here](#). That'd be illegal if the candidate did it, but when the media does it, it's free advertising. They even mentioned his *MySpace* and *Facebook* profiles on air.

Sheffield, owner of Las Casas Restaurant in Temple, has been attacking Tyroch for her spending on the Temple City Council. He says she increased spending on culture and leisure services by over 100 percent, but gave highways and public safety much less. But, he does say she only has the endorsement of the firefighters and police force because she raised their salaries — so she hasn't completely left public safety in the dust.

Her return volley on the corridor is that the local panel doesn't approve or disapprove the thing — it's just an advisory committee.

The two haven't held any debates or forums since the primary. Sheffield says he's invited her, but she's refused. His answer on the taxes? He says he had some tough times but has paid all his debts and turned the business around.

HD-112

Want some heat? Look in Dallas' northeastern 'burbs.

Craig Murphy, Button's consultant, contends the campaign wanted to stay clean — but after starting calling Button out for her campaign donations to influential Dems, they had to get serious. Button's campaign sent out a footnoted press release with all kinds of attacks: Dunning raised property taxes and spending while on the Garland City Council, wanted to abolish the public school system, and wore a bulletproof vest to a city council meeting. There's also talk of him having a bunker under his home and calling a co-worker a Nazi. State Sens. **John Carona**, R-Dallas, and **Florence Shapiro**, R-Plano, wrote a letter to Republican voters, encouraging them to read up on Dunning and support Button.

Even the *Dallas Observer* is on Button's bandwagon. One [story](#) on Dunning features his picture with the caption "Republicans: Want a body-armored, property-rights advocating survivalist with links to the Republic of Texas militia as your next state representative? Vote for Randall Dunning on April 8."

Dunning has a lengthy [reply](#) to all this posted by *Suzyblitz*, a blogger we mentioned in our last HD-112 report. There, Dunning says the main source for these rumors is Garland City Councilman **Larry Jeffus** — and that Jeffus does some expensive political consulting for Button. That's true — she paid him more than \$25,000 over the past few months. Dunning admits to donning the bulletproof vest — but as a joke after a council colleague threatened him. His "bunker" is apparently a tornado shelter.

"All of these attacks are a desperate attempt to rescue Ms. Button's campaign which is sinking from the weight of her numerous contributions and decade of support for liberal Dallas County Democrats," Dunning says, returning to his original strategy.

One more: His latest press release claims his opponent endorsed him — the last time he ran for Garland City Council.

HD-144

After the primary, we reported that Talton, the incumbent (he gave up the statehouse for an unsuccessful run for Congress), is backing Roberts. So is **John Hughey**, who ran against Legler and Roberts in the primary.

"Things are pretty status quo as far as information going out," says Roberts. "We send out one thing, they send out another."

Roberts says the most recent conflict involved Legler accusing Roberts of being responsible for tax increases — Roberts is a trustee of the Pasadena School Board.

"What he doesn't understand is that your taxes are associated with your appraisal caps,"

Roberts says. "Somebody coached him and had bad information."

Return fire? How's this: Legler has two homes, one in HD-144 and one in Friendswood, which is part of HD-129. That other house allows his daughter to go to Friendswood High School, where she's a junior and a Wranglerette. That's not only in a different House district; it's in a different school district, too.

One more thing. Legler's campaign site refers to him as "Legler, A Republican State Representative" across the top. Other banners on the site have the required "for," as in "Legler for state rep"; that one's missing.

—by Karie Meltzer

Miller, by.... Some

The counters in HD-73 say **Doug Miller** beat **Nathan Macias**, but this might not be over. It's tight, by all accounts.

A spokesman for the Republican Party of Texas puts Miller's margin of victory at 17. The question now: Will Macias — a Bulverde Republican and the current state representative — go to court to challenge the results?

If he does, it'll be a fight over which ballots were allowed into the count and which ones were not. Legal challenges are relatively rare, but not unheard of: Democrat **Ciro Rodriguez**, for instance, lost his congressional seat to **Henry Cuellar** after a primary election count, a recount, and a trial (he won his way back into Congress later).

In this one, Miller won — in the first, unofficial count — by 38 votes. The official count shaved a few off of that, but not enough to get Macias a second term. Miller won a majority in only one of the district's four counties — Gillespie — but that was enough.

On TV, but Not on the Ballot

Lt. Gov. **David Dewhurst** recently completed a run of TV ads on Voter ID and immigration, geared to dovetail with non-binding GOP ballot questions on those issues. The Lite Guv's not on the ballot, but wanted to "talk to voters while they were paying attention."

Dewhurst does all of the talking in the ad, which starts with pictures of soldiers saluting at a cemetery, a shot of Dewhurst, pictures from polling places, of a driver's license with a fingerprint on it and then a final shot of Dewhurst's bumper-sticker logo, which says "David Dewhurst Lieutenant Governor."

"Americans have given their lives to protect our right to vote. That's why it's so critical only American citizens are allowed to vote. I'm David Dewhurst. We need to implement existing federal law and issue a tamper-proof driver's license or photo I.D. so we know who's here. And make sure that only U.S. citizens vote. Join me in protecting this basic American freedom. Our right to vote."

The text on the screen changes during the ad, starting with Dewhurst's name, and in time with the script, "Only American Citizens Vote", his name again, "Tamper-Proof Photo I.D.", then his web address — www.dewhurst.org— and finally a disclaimer.

In the second, an announcer starts things off: "Washington refuses to stop illegal immigration. So Texas added additional law enforcement, and surveillance technology. Texas is doing its part. Washington needs to do theirs." Then Dewhurst speaks: "Like you, I'm angry at Washington for failing to secure our borders while dangerous drug traffic and illegal immigration and gang activity are increasing. I'm David Dewhurst. We need to secure our borders and we need strong federal law enforcement to do it now."

The ad starts with pictures of the Rio Grande, of footage from helicopters, and a shot of the U.S. Capitol. Dewhurst comes on screen as he begins speaking, and the camera cuts away to graphics while he talks. The text on screen during the ad includes "26% increase in state law enforcement", "Plus over \$100 million: helicopters, crime labs, overtime for border sheriff's deputies." Dewhurst's name comes up with his mug, as does his web address. The next graphics are headlines from ABC News and the Houston Chronicle: "Gang Crackdown on Illegal

Immigrants", and "Six Illegal Immigrants Receive Prison for Smuggling Scheme." As Dewhurst says the words, the text "Secure Borders" and "Strong Enforcement" appears. The spot ends like the other one, with the bumper sticker logo and a disclaimer.

A media buyer we know found footprints of recent "buys" of TV time in smaller markets around the state, but a spokesman for Dewhurst says the ads have stopped running. The commercials didn't stop on Election Day, but did go off the air just a few days ago. That's verified, somewhat, by the dates on the ads' intros (the part that doesn't go on TV): The first was cut in February; the second, two days after the Texas primaries.

Bounce Per Ounce

Money and Votes in selected legislative races

Winners are listed in bold (if there's a runoff, the top finishers are bold) and incumbents are indicated with an asterisk. The money column includes spending, late (telegram) contributions and cash on hand as reported by the candidates through the March 4 primaries. Not everyone spent all of the money available, but since they don't have to report final spending until mid-year, we went with this. Think of it as the amount the candidates could have spent had they wanted to. Our sources for numbers: the Texas Ethics Commission and the Texas Secretary of State.

District	Name	Votes	Spent/Avail	\$/Vote
SD-4	R Tommy Williams *	26,656	\$1,072,101	\$40.22
	R Michael Galloway	17,405	\$12,939	\$0.74
SD-11	D Joe Jaworski	34,339	\$461,314	\$13.43
	D Bryan Hermann	23,815	\$4,087	\$0.17
SD-21	D Judith Zaffirini *	85,310	\$1,861,385	\$21.82
	D Rene Barrientos	23,262	\$16,223	\$0.70
SD-30	R Craig Estes *	41,634	\$748,403	\$17.98
	R Charles R. Stafford	18,820	\$59,596	\$3.17
HD-4	R Betty Brown *	8,768	\$271,082	\$30.92
	R Wade Gent	8,133	\$178,061	\$21.89
HD-8	R Byron Cook *	6,466	\$386,877	\$59.83
	R Bobby Vickery	2,904	\$25,096	\$8.64
HD-17	D Donnie Dippel	13,459	\$27,104	\$2.01
	D Latreese A. Cooke	7,343	\$1,310	\$0.18
HD-26	R Charlie Howard *	8,781	\$353,576	\$40.27
	R Paula Stansell	4,242	\$84,424	\$19.90
	R Norm D. Ley	580	\$0	\$0.00
HD-27	D Dora Olivo *	14,821	\$76,462	\$5.16
	D Ron Reynolds	14,634	\$63,935	\$4.37
HD-29	R Randy Weber	6,639	\$62,650	\$9.44
	R Gary W. Bucek	2,718	\$28,726	\$10.57
	R Craig Kelsay	1,871	\$49,186	\$26.29
HD-36	D Kino Flores *	11,173	\$829,879	\$74.28
	D Sandra Rodriguez	10,245	\$399,855	\$39.03
HD-37	D Rene O. Oliveira *	12,330	\$252,690	\$20.49
	D John "Roca" Shergold	3,944	\$34,966	\$8.87

District	Name	Votes	Spent/Avail	\$/Vote
HD-40	D Aaron Pena *	9,839	\$358,557	\$36.44
	D Eddie Saenz	8,761	\$287,902	\$32.86
HD-43	D Tara Rios Ybarra	13,011	\$407,372	\$31.31
	D Juan Manuel Escobar *	11,210	\$300,317	\$26.79
HD-46	D Dawanna Dukes *	12,678	\$387,454	\$30.56
	D Brian T. Thompson	8,001	\$111,474	\$13.93
HD-52	R Dee Hobbs	3,285	\$33,443	\$10.18
	R Bryan Daniel	3,102	\$78,179	\$25.20
	R John Gordon	3,019	\$34,746	\$11.51
	R Vivian Sullivan	938	\$13,858	\$14.77
HD-55	R Martha Tyroch	5,147	\$130,365	\$25.33
	R Ralph Sheffield	4,433	\$191,994	\$43.31
	R Mike Pearce	2,907	\$18,659	\$6.42
	R John Alaniz	1,763	\$53,243	\$30.20
HD-56	R Charles "Doc" Anderson *	10,030	\$355,940	\$35.49
	R Jonathan Sibley	5,753	\$352,782	\$61.32
HD-60	R Phil King *	13,460	\$920,372	\$68.38
	R Joe Tison	7,103	\$163,694	\$23.05
HD-67	R Jerry Madden *	3,811	\$302,823	\$79.46
	R Jon Cole	3,554	\$131,464	\$36.99
HD-73	R Doug Miller	14,681	\$449,568	\$30.62
	R Nathan Macias *	14,643	\$516,457	\$35.27
HD-77	D Marisa Marquez	8,385	\$111,058	\$13.24
	D Paul C. Moreno *	7,858	\$161,843	\$20.60
HD-78	D Joseph E. Moody	12,959	\$21,248	\$1.64
	D Louis Irwin	4,995	\$5,229	\$1.05
HD-78	R Dee Margo	5,080	\$400,447	\$78.83
	R Pat Haggerty *	3,888	\$577,543	\$148.55
HD-81	R Tryon D. Lewis	5,273	\$114,131	\$21.64
	R G.E. "Buddy" West *	4,601	\$115,193	\$25.04
	R Randy Rives	1,188	\$38,983	\$32.81
	R Jesse W. Gore	928	\$9,925	\$10.70
HD-83	R Delwin Jones *	11,755	\$121,618	\$10.35
	R Joe D. Hnatek	6,849	\$50,271	\$7.34
HD-96	R Bill Zedler *	7,129	\$255,575	\$35.85
	R Lee Jackson	2,500	\$31,283	\$12.51

District	Name	Votes	Spent/Avail	\$/Vote
HD-97	R Mark M. Shelton	7,786	\$250,278	\$32.14
	R Bob Leonard	4,308	\$166,922	\$38.75
	R James Dean Schull	717	\$0	\$0.00
	R Clint L. Roberts	500	\$5,309	\$10.62
HD-99	R Charlie Geren *	7,865	\$785,633	\$99.89
	R Tom Annunziato	5,680	\$393,318	\$69.25
HD-101	R Mike Anderson	4,103	\$123,872	\$30.19
	R Thomas Latham *	3,433	\$177,361	\$51.66
HD-104	D Roberto R. Alonzo *	6,493	\$116,557	\$17.95
	D Harry O. Trujillo	2,452	\$750	\$0.31
HD-105	D Bob Romano	4,753	\$2,517	\$0.53
	D Jim Rea	4,462	\$49,922	\$11.19
HD-112	R Angie Chen Button	4,136	\$206,144	\$49.84
	R Randy Dunning	3,816	\$94,372	\$24.73
	R James E. Shepherd	2,953	\$67,755	\$22.94
HD-122	R Frank J. Corte, Jr. *	14,203	\$305,836	\$21.53
	R Tony Kosub	5,235	\$9,264	\$1.77
HD-127	R Joe Crabb *	7,399	\$258,934	\$35.00
	R Martin Basaldua	4,213	\$72,572	\$17.23
	R David M. Davenport	1,755	\$1,121	\$0.64
HD-129	R John E. Davis *	6,525	\$227,965	\$34.94
	R Jon R. Keeney	3,623	\$26,205	\$7.23
HD-130	R Allen Fletcher	9,233	\$153,071	\$16.58
	R Corbin Van Arsdale *	8,443	\$504,420	\$59.74
HD-140	D Armando Lucio Walle	4,919	\$90,213	\$18.34
	D Kevin Bailey *	3,652	\$361,612	\$99.02
HD-144	R Ken Legler	2,635	\$54,300	\$20.61
	R Fred Roberts	2,268	\$17,561	\$7.74
	R John Hughey	838	\$14,529	\$17.34
HD-145	D Carol Alvarado	6,791	\$400,439	\$58.97
	D Elias J. De La Garza	3,006	\$35,727	\$11.89
HD-146	D Al Edwards	14,128	\$80,662	\$5.71
	D Borris L. Miles *	9,002	\$152,649	\$16.96
HD-147	D Garnet F. Coleman *	14,344	\$378,994	\$26.42
	D LaRhonda Torry	4,093	\$1,145	\$0.28
HD-148	D Jessica Christina Farrar *	9,695	\$168,632	\$17.39
	D Jose Medrano	3,638	\$68,137	\$18.73

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Let's Make a Deal

There's a tentative settlement in the fight over a state fund that subsidizes phone service in expensive-to-serve areas.

The competitors battling over the Universal Service Fund told state regulators they have a settlement in principle and need time to put the details on paper.

They didn't announce the terms, but the deal is expected to trim the size of those subsidies to AT&T and other phone companies, and to reduce the 4.4 percent levy on phone bills that feeds the USF. The Public Utility Commission's staff recommended huge cuts in the fund (*see our earlier story*), but the deal isn't expected to go as far as the staff recommended.

Generally speaking, AT&T was leading the fight to leave the fund alone — that company is the biggest recipient of the money — and competitors from cable and smaller phone companies were urging cuts in those subsidies.

The announcement means, for now, that the Public Utility Commission won't have to hold a planned April hearing on the USF.

World Police

Texas isn't bound by decisions of the World Court, and doesn't have to hold a second trial for **Jose Medellin**, a Mexican citizen who's now on Death Row, according to the U.S. Supreme Court.

The court's 6-3 decision in *Medellin v. Texas* is a win for the state, which said it didn't have to abide by the World Court's ruling. It's a loss for the Bush Administration, which had tried to force the state to honor the terms of the Vienna Conventions — in particular, for provisions requiring states to tell foreign nationals they have the right to contact their consulates before they're tried.

Texas didn't notify Medellin before he was accused, tried, and convicted for his part in the gang rape and murder of two Houston teenagers.

The full opinion is online *here*.

Flotsam & Jetsam

• U.S. Sen. **John Cornyn** has *added a blog* to his campaign website and found — in a sea of liberal bloggers — a list of conservative bloggers who've endorsed him for reelection. You know things have changed when a politician takes an endorsement from something called *yeah, right, whatever*. His chief challenger, Democrat **Rick Noriega**, *turned his campaign website* into a memorial this week to honor Americans killed in Iraq on the fifth anniversary of the U.S. invasion of that country.

• He can't vote in the election, but former Texas Democratic Party Chairman **Charles Soechting** endorsed **Rosemary Lehmberg** in the hard-fought runoff for Travis County District Attorney. She and **Mindy Montford** are battling to replace their boss, **Ronnie Earle**, in the DA's office that has jurisdiction over state political and government figures.

• Now that he's committed to it, El Paso Democrat **Joe Moody** is trying to pull Republican **Dee Margo** into a self-imposed limit on the size of campaign contributions. Texas races have no limits; Moody's following the federal limits (\$2,300 for individuals and \$5,000 for political action committees) and says Margo should, too. The Republican's answer? Fuggetaboutit.

• An international dispute most people didn't know about has ended: Texas will start exporting beef to Mexico after a four-year ban. Ag Commission **Todd Staples** blocked Canadian cattle from being shipped to Mexico through Texas almost a month ago. The other border states on the American side joined in and that little blockade forced a settlement. Mexico blocked the sales in December 2003 because of concerns about mad cow disease.

Political People and Their Moves

Gov. **Rick Perry** appointed **Oscar Fogle** of Lockhart to the Guadalupe-Blanco River Authority. Fogle, owner of the Oak Hill Ranch, will replace **John Schneider** of Lockhart on that board.

The Guv appointed **Pablo Schneider** of Richardson, an exec with Fusion Mobile, to the Manufactured Housing Board. He'll replace **Frances Shannon** of Spring Branch.

Perry made **Harold Hahn** of El Paso the chairman of the Camino Real Regional Mobility Authority. He's the president and CEO of Rocky Mountain Mortgage Co., and replaces **John Broadbuss** of El Paso.

Perry named **John Paulo Flores** of Dallas the presiding officer of the Texas Residential Construction Commission and reappointed **Steven Leipsner** of Austin to that board. Flores is an attorney; Leipsner is a principal of Leipsner Ventures Inc. Flores replaces **Patrick Cordero** of Midland.

And the governor named **Stacey Bell** of Horseshoe Bay and **Catherine Estrada** of Fort Worth to the Communities in Schools Advisory Committee, replacing **Linda Navejar** and **Linda Mora** on that panel. Bell is a community volunteer; Estrada is a marketing consultant.

Lt. Gov. **David Dewhurst** appointed **Bobby Ray** of Plano to the Task Force on Higher Education Funding. Ray is a regent at the University of North Texas and an exec with Hovnanian Enterprises, a homebuilder.

Dewhurst is the Texas Legislative Conference's 2008 Texan of the Year.

State Rep. **Pete Gallego**, D-Alpine, signed with Austin-based Brown McCarroll as Of Counsel. The firm's announcement says he'll support their operations in Austin and El Paso.

The political versions of the Oscars, presented by the American Association of Political Consultants, are public. And the Pollies (in Texas) go to: The Fort Worth-based Eppstein Group,

which pulled in five of the awards for work on several ballot issues and on a Dallas mayoral race; Strategic Perception Inc., which pulled in four awards for that "Coal is Filthy" campaign that ran in statewide papers a year ago; and Houston-based Bethel Nathan, for work on a local bond campaign.

As expected, **Mark Yudof** is leaving the University of Texas System, where he's the chancellor, to lead the University of California System. Texas will start the search for a replacement.

Quotes of the Week

Former University of Texas Regent **Robert Estrada**, telling *The Dallas Morning News* the requirements for the next chancellor, with **Mark Yudof** leaving to run the University of California System: "You'd probably start with, 'Must walk on water,' and you'd probably want to throw in, 'Win the Final Four and another BCS championship.'"

Yudof, quoted in the *San Francisco Chronicle* after accepting the California job: "Gasoline is expensive here."

Presidential candidate and U.S. Rep. **Ron Paul** of Texas, in *Newsweek*: "I will keep campaigning for as long as people are supporting me and the money is there and that's what they want. I feel badly about just quitting... So for me, it's indefinite."

Senate Finance Chairman **Steve Ogden**, R-Bryan, quoted in the *Fort Worth Star-Telegram* about proposals to sell the state lottery to a private concern: "It's a matter of price. If somebody comes in and promises to give us more money than we're making now, I'd be for it. If they can't, I won't. It's pretty simple."

Leslie Paige with Citizens Against Government Waste, quoted in the *Houston Chronicle* on the \$2.2 billion in federal budget earmarks for projects in Texas: "Why should a person in Seattle or Michigan be paying for the Houston Zoo?"

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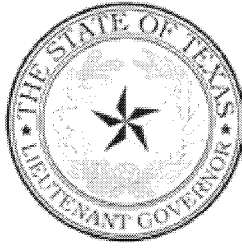
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OFFICE OF THE LIEUTENANT GOVERNOR
David Dewhurst

FOR IMMEDIATE RELEASE

May 11, 2009

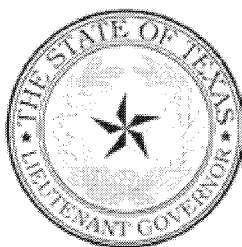
**Statement by Lt. Governor David Dewhurst on House Committee
Passage of Legislation Protecting Against Voter Fraud**

AUSTIN — Lt. Gov. David Dewhurst today released the following statement upon passage of Senate Bill 362 by the House Elections Committee. SB 362 will help protect against voter fraud by requiring registered voters to verify their identity at the polls.

"The vast majority of Texans agree that by simply asking Texans to verify their identity at the polls, we can help prevent known voter fraud and ensure every vote cast is legal," Lt. Governor Dewhurst said. "The cornerstone of America's democratic process is one person, one vote and by passing Senate Bill 362, the House Elections Committee has moved us one step closer to preserving this important principle."

- 30 -

Office of Lieutenant Governor David Dewhurst, Capitol Station, P.O. Box 12068, Austin, Texas 78711. Tel: (512) 463-0001
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Post Office Box 12068
Austin, Texas 78711

OFFICE OF THE LIEUTENANT GOVERNOR
David Dewhurst

FOR IMMEDIATE RELEASE

March 12, 2012

**Lt. Governor Dewhurst Statement Regarding Justice Department
Blocking Texas' Voter ID Law**

AUSTIN—Today, Lt. Governor David Dewhurst issued the following statement regarding the U.S. Department of Justice's decision to block preclearance of Texas' Voter ID law:

"The Obama Justice Department has once again gone out of its way to undermine our states' rights by blocking Texas' Voter ID law.

"The Texas Legislature designed the law to protect the integrity of our elections while encouraging voter participation – carefully following precedents set by Georgia and Indiana that were upheld by the courts.

"The Texas Voter ID law allows for numerous forms of government-issued photo identification – including passports and concealed handgun licenses – offers free identification for those in need and also provides voter education and poll worker training, ensuring every legal citizen can exercise their right to vote.

"I will work closely with Attorney General Abbott to fight this clearly partisan attack by the Obama Administration so Texans can rest assured their votes will not be cancelled out by illegal ballots."

- 30 -

Office of Lieutenant Governor David Dewhurst, Capitol Station, P.O. Box 12068, Austin, Texas 78711. Tel: (512) 463-0001

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Defendant's Exhibit #
317

DE-0022220

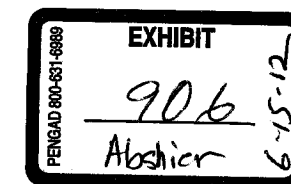
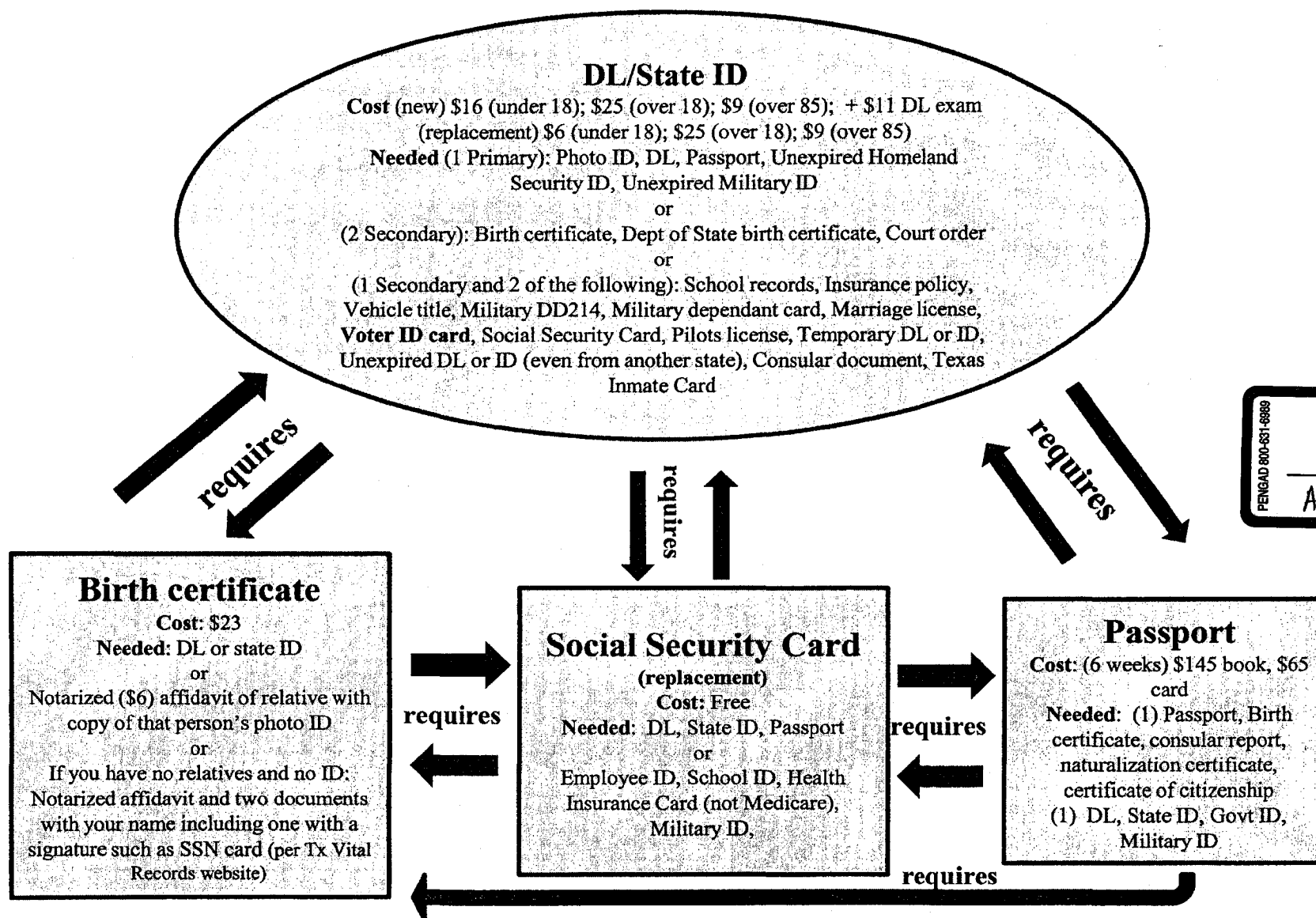


Exhibit 7

USA_00009956

By: Harless

H.B. No. 112

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

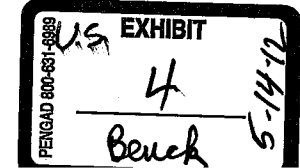
(b) The secretary of state, in cooperation with appropriate

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Defendant's Exhibit #

329



DE-002283

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1 nonprofit organizations as determined by the secretary of state and
2 with each party whose nominee for governor in the most recent
3 gubernatorial general election received 20 percent or more of the
4 total number of votes received by all candidates for governor in the
5 election, shall establish a statewide effort to educate voters
6 regarding the identification requirements for voting prescribed by
7 Chapter 63. The secretary of state may use any available funds,
8 including federal funds, for the purposes of this section.

9 SECTION 3. Effective September 1, 2011, Section 32.111,
10 Election Code, is amended by adding Subsection (c) to read as
11 follows:

12 (c) The training standards adopted under Subsection (a)
13 must include provisions on the acceptance and handling of the
14 identification presented by a voter to an election officer under
15 Section 63.001.

16 SECTION 4. Effective September 1, 2011, Section 32.114(a),
17 Election Code, is amended to read as follows:

18 (a) The county clerk shall provide one or more sessions of
19 training using the standardized training program and materials
20 developed and provided by the secretary of state under Section
21 32.111 for the election judges and clerks appointed to serve in
22 elections ordered by the governor or a county authority. Each
23 election judge shall complete the training program. Each election
24 clerk shall complete the part of the training program relating to
25 the acceptance and handling of the identification presented by a
26 voter to an election officer under Section 63.001.

27 SECTION 5. Chapter 62, Election Code, is amended by adding

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1 Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location a list of the acceptable
5 forms of photographic and nonphotographic identification. The list
6 must be printed using a font that is at least 24-point.

7 SECTION 6. Section 63.001, Election Code, is amended by
8 amending Subsections (b), (c), (d), and (f) and adding Subsection
9 (g) to read as follows:

10 (b) On offering to vote, a voter must present to an election
11 officer at the polling place either:

12 (1) one form of identification listed in Section
13 63.0101(a); or

14 (2) two different forms of identification listed in
15 Section 63.0101(b) [the voter's voter registration certificate to
16 an election officer at the polling place].

17 (c) On presentation of the documentation required by
18 Subsection (b) [a registration certificate], an election officer
19 shall determine whether the voter's name on the documentation
20 [registration certificate] is on the list of registered voters for
21 the precinct.

22 (d) If the voter's name is on the precinct list of
23 registered voters and the voter's identity can be verified from the
24 documentation presented under Subsection (b), the voter shall be
25 accepted for voting.

26 (f) After determining whether to accept a voter, an election
27 officer shall return the voter's documentation ~~[registration~~

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1 ~~certificate]~~ to the voter.

2 (g) If the requirements for identification prescribed by
3 Subsection (b) are not met, regardless of whether the voter's name
4 is on the precinct list of registered voters, the voter may be
5 accepted for provisional voting only under Section 63.011. An
6 election officer shall inform a voter who is not accepted for voting
7 under this section of the voter's right to cast a provisional ballot
8 under Section 63.011.

9 SECTION 7. Section 63.0011(a), Election Code, is amended to
10 read as follows:

11 (a) Before a voter may be accepted for voting, an election
12 officer shall ask the voter if the voter's residence address on the
13 precinct list of registered voters is current and whether the voter
14 has changed residence within the county. If the voter's address is
15 omitted from the precinct list under Section 18.005(c), the officer
16 shall ask the voter if the voter's residence as listed on
17 identification presented by the voter under Section 63.001(b) [the
18 ~~voter's voter registration certificate]~~ is current and whether the
19 voter has changed residence within the county.

20 SECTION 8. Section 63.006(a), Election Code, is amended to
21 read as follows:

22 (a) A voter who, when offering to vote, presents a voter
23 registration certificate indicating that the voter is currently
24 registered in the precinct in which the voter is offering to vote,
25 but whose name is not on the precinct list of registered voters,
26 shall be accepted for voting if the voter's identity can be verified
27 from the documentation presented under Section 63.001(b).

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1 SECTION 9. Section 63.007(a), Election Code, is amended to
2 read as follows:

3 (a) A voter who, when offering to vote, presents
4 documentation required under Section 63.001(b) that indicates [a
5 voter registration certificate indicating that] the voter is
6 currently registered in a different precinct from the one in which
7 the voter is offering to vote, and whose name is not on the precinct
8 list of registered voters, shall be accepted for voting if the
9 voter's identity can be verified from the documentation and the
10 voter executes an affidavit stating that the voter:

11 (1) is a resident of the precinct in which the voter is
12 offering to vote or is otherwise entitled by law to vote in that
13 precinct;

14 (2) was a resident of the precinct in which the voter
15 is offering to vote at the time that information on the voter's
16 residence address was last provided to the voter registrar;

17 (3) did not deliberately provide false information to
18 secure registration in a precinct in which the voter does not
19 reside; and

20 (4) is voting only once in the election.

21 SECTION 10. Section 63.0101, Election Code, is amended to
22 read as follows:

23 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

24 (a) The following documentation is an acceptable form [~~as proof~~] of
25 photo identification under this chapter:

26 (1) a driver's license or personal identification card
27 issued to the person by the Department of Public Safety that has not

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1 expired or that expired no earlier than two years before the date of
2 presentation ~~[or a similar document issued to the person by an~~
3 ~~agency of another state, regardless of whether the license or card~~
4 ~~has expired];~~

5 (2) a United States military identification card that
6 contains the person's photograph ~~[form of identification~~
7 ~~containing the person's photograph that establishes the person's~~
8 ~~identity];~~

9 (3) a ~~[birth certificate or other document confirming~~
10 ~~birth that is admissible in a court of law and establishes the~~
11 ~~person's identity,~~

12 ~~[-(4)-]~~ United States citizenship certificate ~~[papers]~~
13 issued to the person that contains the person's photograph;

14 (4) ~~[-(5)-]~~ a United States passport issued to the
15 person;

16 (5) a license to carry a concealed handgun issued to
17 the person by the Department of Public Safety; or

18 (6) ~~[official mail addressed to the person by name~~
19 ~~from a governmental entity,~~

20 ~~[-(7)-]~~ a valid identification card that contains the
21 person's photograph and is issued by:

22 (A) an agency or institution of the federal
23 government; or

24 (B) an agency, institution, or political
25 subdivision of this state.

26 (b) The following documentation is acceptable as proof of
27 identification under this chapter:

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- 1 (1) the voter's voter registration certificate or a
2 copy of a current utility bill, bank statement, government check,
3 paycheck, or other government document that shows the name and
4 address of the voter;
- 5 (2) official mail addressed to the person by name from
6 a governmental entity;
- 7 (3) a certified copy of a birth certificate or other
8 document confirming birth that is admissible in a court of law and
9 establishes the person's identity;
- 10 (4) United States citizenship papers issued to the
11 person;
- 12 (5) an original or certified copy of the person's
13 marriage license or divorce decree;
- 14 (6) court records of the person's adoption, name
15 change, or sex change;
- 16 (7) an identification card issued to the person by a
17 governmental entity of this state or the United States for the
18 purpose of obtaining public benefits, including veteran's
19 benefits, Medicaid, or Medicare;
- 20 (8) a temporary driving permit issued to the person by
21 the Department of Public Safety;
- 22 (9) a pilot's license issued to the person by the
23 Federal Aviation Administration or another authorized agency of the
24 United States;
- 25 (10) a library card that contains the person's name
26 issued to the person by a public library located in this state; or
- 27 (11) a hunting or fishing license issued to a person by

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1 the Parks and Wildlife Department ~~[or~~
2 ~~[(8) any other form of identification prescribed by~~
3 ~~the secretary of state]~~.

4 SECTION 11. Sections 63.011(a) and (b), Election Code, are
5 amended to read as follows:

6 (a) A person to whom Section 63.001(g) ~~[63.008(b) or~~
7 ~~63.009(a)]~~ applies may cast a provisional ballot if the person
8 executes an affidavit stating that the person:

9 (1) is a registered voter in the precinct in which the
10 person seeks to vote; and

11 (2) is eligible to vote in the election.

12 (b) A form for an affidavit required by this section must
13 ~~[shall]~~ be printed on an envelope in which the provisional ballot
14 voted by the person may be placed and must include a space for
15 entering the identification number of the provisional ballot voted
16 by the person and a space for an election officer to indicate
17 whether the person presented proof of identification as required by
18 Section 63.001(b). The affidavit form may include space for
19 disclosure of any necessary information to enable the person to
20 register to vote under Chapter 13. The secretary of state shall
21 prescribe the form of the affidavit under this section.

22 SECTION 12. Section 65.054(b), Election Code, is amended to
23 read as follows:

24 (b) A provisional ballot may be accepted only if:

25 (1) the board determines that, from the information in
26 the affidavit or contained in public records, the person is
27 eligible to vote in the election and has not previously voted in

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1 that election; and
2 (2) the voter presents proof of identification as
3 required by Section 63.001(b):
4 (A) at the time the ballot was cast; or
5 (B) in the period prescribed under Section
6 65.0541.

7 SECTION 13. Subchapter B, Chapter 65, Election Code, is
8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
11 voting under Section 63.011 because the voter does not present
12 proof of identification as required by Section 63.001(b) may, not
13 later than the sixth business day after the date of the election,
14 present proof of identification to the voter registrar for
15 examination by the early voting ballot board.

16 (b) The secretary of state shall prescribe procedures as
17 necessary to implement this section.

18 SECTION 14. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

21 (a) Except as provided by Subsection (d), the [The] fee for
22 a personal identification certificate is:

- 23 (1) \$15 for a person under 60 years of age;
24 (2) \$5 for a person 60 years of age or older; and
25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal

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1 identification certificate issued to a person who states that the
2 person is obtaining the personal identification certificate for the
3 sole purpose of satisfying Section 63.001(b)(1), Election Code,
4 and:

5 (1) who is a registered voter in this state and
6 presents a valid voter registration certificate; or

7 (2) who is eligible for registration under Section
8 13.001, Election Code, and submits a registration application to
9 the department.

10 SECTION 15. Sections 63.008 and 63.009, Election Code, are
11 repealed.

12 SECTION 16. Effective September 1, 2011:

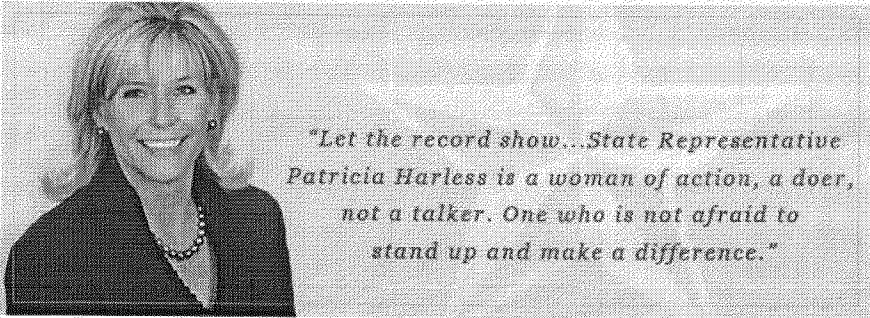
13 (1) as soon as practicable, the secretary of state
14 shall adopt the training standards and develop the training
15 materials required to implement the change in law made by this Act
16 to Section 32.111, Election Code; and

17 (2) as soon as practicable, the county clerk of each
18 county shall provide a session of training under Section 32.114,
19 Election Code, as amended by this Act, using the standards adopted
20 and materials developed to implement the change in law made by this
21 Act to Section 32.111, Election Code.

22 SECTION 17. Except as otherwise provided by this Act, this
23 Act takes effect January 1, 2012.

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Important Issues



"I believe that limited government means limited spending." - Patricia Harless

Patricia Harless will continue to fight for :

ECONOMY

- Balance the budget without raising taxes
- Create stricter spending limits to slow the growth of government
- Encourage free market principles
- Additional property tax reductions & appraisal reforms

IMMIGRATION REFORM

- Protect our borders and support a strong military
- Penalties for employers that knowingly hire illegal aliens
- Empower state and local police to enforce immigration laws
- Require Texas photo ID to vote

EDUCATION

- Public school excellence & fair teacher pay
- Reduce the administrative burden on Texas schools
- Equality in funding for our public schools

OTHER

- Protect senior citizens' tax exemptions
- Improve traffic flow and keep free roads free
- Support Pro-life, Pro-gun owner, Pro-private property rights

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